

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MARK MINGO,

Claimant,

v.

STEVE COOL, dba COOL'S CUSTOM
PAINTING,

Defendant.

IC 04-008901

ORDER

Filed November 17, 2006

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant was an employee of Employer at the time of his accident and injury.
2. Employer was subject to the Idaho Workers' Compensation Law.
3. Employer was uninsured for workers' compensation purposes on July 8, 2004.
4. Claimant suffered an injury caused by an accident arising out of and in the course of his employment with Employer on July 8, 2004.
5. Claimant has established a *prima facie* case entitling him to the following benefits:
 - (a) Medical in the amount of \$27,951.02;
 - (b) Total temporary disability benefits in the amount of \$5,030.74;
 - (c) Permanent partial impairment in the amount of \$7,342.50
 - (d) Penalty for Employer's failure to insure in the amount of \$5,249.81;

(e). Attorney's fees and costs in the amount of \$12,173.86.

6. Claimant is entitled to a total award against Employer individually in the amount of \$57,747.93.

7. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __17th__ day of __November____, 2006.

INDUSTRIAL COMMISSION

____/s/_____
Thomas E. Limbaugh, Chairman

____/s/_____
James F. Kile, Commissioner

____/s/_____
R. D. Maynard, Commissioner

ATTEST:

____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __17th__ day of __November____, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

BRET A WALTHER
671 E RIVERPARK LN STE 130
BOISE ID 83706

STEVE COOL
213 WOODVINE ST
BOISE ID 83607

ge

____/s/_____